

HIS FATE TERRIBLE

MAUI, Jan. 28.—On Tuesday a Japanese laborer on the new Hamakua Extension Co.'s ditch met with a horrible death by falling several hundred feet down a steep fall and being dashed to pieces on the rocks in the valley below. Just makai of Kaluanui, Makawao, near O. Burns's place, the ditch crosses a gulch whose side's measure four or five hundred feet in altitude. A 4-foot cut has been made in the perpendicular side of the fall to receive the large ditch-pipe. The unfortunate man was lowered by means of a rope a hundred feet or more down this cut for the purpose of dislodging a large rock that projected outward from the even surface of the side. Arriving at a position just below the rock, he made places in the red soil for his feet and foolishly released himself from the rope in order to have more freedom in digging.

Whether he lost his balance or whether the rock becoming loosened fell upon him is a matter of conjecture, according to the story of the man who stood on the top of the fall holding the rope. At any rate the rock was gone and the Japanese was instantly killed by the fall.

Dr. W. F. McConkey next day viewed the mangled body and a coroner's inquest was decided to be unnecessary.

Last Saturday afternoon, a hotly contested game of polo took place on the Sunnyside grounds, Paia, between the "Reds" and the "Yellows." The score was a tie, two goals to two, Geo. Denison, Superintendent of the Oahu Railway Co., played one period with the "Reds."

Saturday evening a surprise party was given Civil Engineer Foss, James Reed and D. T. Fleming, the young men who have charge of the construction of the Hamakua Extension Co.'s ditch and who live at the camp at Kauhakua. Twenty-five or thirty young people from the vicinity of Paia, Hamakua and Makawao were present and spent a merry, informal evening playing games and dancing. A partition was removed between two rooms to facilitate the latter amusement.

The steamer Nebraskan left Kahului on Wednesday and the Texan arrived the same day. In fact the latter steamer had to wait outside the harbor until the former departed.

Wednesday night the British bark Melanope, N. K. Williams master, arrived in Lahaina, 61 days from Newcastle, N. S. W., with a cargo of coal for Pioneer Mill Co.

Blacksmiths all over the country are busy replacing narrow tires on wheels with the regulation wide ones, 1 1/2 times the diameter of the axle, the width required by law. By the time the legislature meets it is possible that the opposition to the act will have much weakened.

On the 23rd the bark Edward May brought a cargo of domestic coal into Kahului, 38 days from Tacoma.

By Tuesday's Kinohi H. P. Baldwin made a trip to Hilo.

Rev. Mr. Rice of Honolulu is on Maui and will preach in the Paia Foreign church for a time.

A small crop of Kaupo oranges is on the market. These oranges are smaller but are sweeter and more juicy than those from California for sale at the various Maui stores.

Some one should be warmly thanked for introducing the skylark to Maui. Its beautiful melody can be heard all over Kula, Makawao, and even on the plains leading downward toward Kahului.

Pheasants are also getting plentiful in localities. They are often seen in the Puuomalei, Haiku region, and sometimes even in Puunene canefields. Makawao farmers are getting their fields ready for planting.

Weather.—The coldest January in many years. Rain in localities on Thursday.

LAW OF PROPERTY

Upon questions reserved by the Fifth Circuit Court, Kauai, in the case of William Iona et al. vs. Uu et al., the Supreme Court by Chief Justice Frear decides "that none of the plaintiffs are barred by the statute of limitations and that the defendants cannot rely upon adverse possession against the heirs when their only claim is of a term of years under a lease made by a tenant by curtesy. The case is remanded to the Circuit Court of the Fifth Circuit for such further proceedings as may be proper." John D. Willard for plaintiffs; M. F. Prosser for defendants. Points of law decided are the following:

"Under the former statute, under which the husband had an estate in the wife's lands after her death until the children attained majority, the estate ceased as to each child's portion upon that child's attaining majority.

"Such tenant by curtesy had no authority to lease the land beyond the age of majority of the children.

"A father as such or as natural guardian has no authority to lease his child's land.

"In order to sustain a defense of adverse possession, there must be shown not only possession but a claim of ownership. A claim of a term of years is not sufficient. Heirs may recover from one who claims solely under a lease made by a tenant by curtesy to extend beyond the estate by curtesy, even though the period prescribed by the statute of limitations has elapsed since the termination of the estate by curtesy. In such case the term of years is in recognition of and not contradictory to the fee, and the lessee holds over permissively or by sufferance."

ESTIMATED BY THE YEAR

The clerical force in the Governor's office is hammering into shape the estimates of appropriations for the various departments. This will probably go to the legislature with the Governor's financial message, although that is by no means determined upon. At all events, the tabulated statement will be of immense value to both the executive and legislative branches of the government, as it will show to a dollar the amounts of the salaries of every man in government service, the expenditures of the various departments on the various islands during the past year, and exactly what it has cost to run the government of the Territory.

The estimates from the various departments, as they have come to the Governor, are for two years. As they are being tabulated, they will be put on a yearly basis. There will be statements of increases and decreases in the departments, and in salaries, and estimates of what it costs for everything for which the government pays.

All of the heads of departments, save Superintendent of Public Works Holladay, Surveyor Wall, Superintendent of Schools Atkinson and Treasurer Campbell have submitted their estimates, and it is expected that these will be in hand in a few days. In fact, they must be, as the time for preparation grows shorter. The legislature will meet three weeks from next Wednesday, and no head of a department must fall to be ready with his facts and figures before that date.

JUDGMENT IN KONA CASE IS REVERSED

Chief Justice Frear is author of a decision of the Supreme Court reversing the findings and judgment of Judge De Bolt in the suit of W. W. Bierce, Ltd., vs. C. J. Hutchins, trustee. The judgment was in favor of plaintiff for the return of property consisting of the railway plant of the defunct Kona Sugar Company and \$1030 damages, or, if the property could not be returned the payment of its declared value, \$22,000.

The ground of the decision is that the plaintiff should have elected which of its assumed rights it proceeded under, as it at first claimed a materialman's lien on the property as if the ownership was in the defendants, and next brought a replevin suit as if the ownership was in itself. There is no election where the first remedy is adopted through ignorance, but the court cannot say that such was the state of affairs in this case. "A materialman's lien cannot be enforced for lienable items under an entire contract which covers nonlienable items also, but in this case the court holds that the prices of at least some of the lienable items are severable."

The case is remanded to the court below for such further proceedings as may be proper. It is declared to be a matter of law for the construction of the contracts. Kinney, McClanahan & Cooper, S. H. Derby and C. A. Galbraith for the plaintiff; J. W. Cathcart, Castle & Withington and W. L. Whitney for the defendant.

A SILLY SAYING.

"It is a common but silly opinion prevailing among a certain class of people that the worse a remedy tastes, smells or hurts, the more efficacious it is." So says a well-known English physician. He further adds: "For example, let us consider cod liver oil. As it is extracted from the fish this oil is so offensive to the taste and smell that many cannot use it at all, no matter how badly they need it. Yet cod liver oil is one of the most valuable drugs in the world and it is the greatest pity that we have not thus far been able to free it from those peculiarities which so seriously interfere with its usefulness." This was written years ago; the work of civilizing and redeeming it has since been triumphantly accomplished; and as a leading ingredient in the remedy called WAMPOLE'S PREPARATION the oil retains all its wonderful curative properties with no bad smell or taste whatever. It is palatable as honey and contains all the nutritive and curative properties of Pure Cod Liver Oil, extracted by us from fresh cod livers, combined with the Compound Syrup of Hypophosphites and Extracts of Malt and Wild Cherry; creating a medicine of unequal power for the diseases most prevalent and fatal among men, women and children. There is no other remedy to compare with it. It increases the digestive power of the stomach and in Blood Impurities, Throat and Lung Troubles, Nervous Dyspepsia and Scrofulous Affections, it gives quick and certain relief and cure. Dr. G. C. Shannon, of Canada, says: "I shall continue its use with, I am sure, great advantage to my patients and satisfaction to myself." Has all the virtues of cod liver oil; none of its faults. You may trust it fully; it cannot disappoint you. At all chemists.

ANY STEAMER MERGER MAY BE BLOCKED

There may be some trouble before the suggested merger of the Wilder and Inter-Island Steamship Companies, which was proposed to follow upon the recent purchase of Wilder stock by Inter-Island people, is perfected. Indeed, there may be so much trouble that the merger will not be effected at all, save by the purchase outright of the steamers and properties of the Wilder company, and a general reorganization of both companies upon the new basis thus effected.

The hitch in the proposed merger grows out of the decided disinclination of certain large stockholders in the Wilder company to exchange their holdings for stock in a merged company upon any basis of value that will be satisfactory to the Inter-Island people. These Wilder stockholders claim that their holdings are worth more, share for share, than Inter-Island stock. They claim that the business of the Wilder company has been the more profitable trade of the two. They claim, lastly, that the boats of the Wilder company are the better boats, and its landings the more valuable. Wherefore, they ask, should they consent to a merger?

It was given out yesterday by a man having interest in the matter that he had been advised, legally, that any owner of a single share of stock in either company could defeat a merger in the United States courts. It is a significant thing, in this connection, that Robert W. Breckons, United States District Attorney, is the owner of one share of stock in the Wilder's Steamship Company. It may be that Mr. Breckons holds this share as an investment and as a private citizen, as he has the undoubted right to do—and then, again, it may be that he holds it for some altogether different purpose. But if a move to block any merger were made in the United States court in behalf of any stockholder, Mr. Breckons would be very likely to be instructed to make it.

It will be seen, from this condition of affairs, how much more likely it is that the Wilder steamers and landings will be purchased outright, if a union is effected, than that a stock merger will be attempted. In fact, there are certain heavy interests in the Wilder concern who have made no especial secret of their opposition to a merger. George Beckley has 200 shares of Wilder stock, it is said, and the Wilder company has become almost a part of his life. It is said that when Beckley heard of the sale of control, he affirmed that if he had known of the transaction proposed he would have given his entire fortune to secure the stock. William G. Irwin has a \$50,000 interest in the Wilder company, and is not thought to favor Inter-Island control very strongly.

These heavy stockholders cannot be frozen out, nor bought out for a song—and would make a strong showing in a merger suit. They would make so strong a showing that the next move in the game will be watched with a good deal of interest.

JUSTICE HATCH SENDS IN HIS RESIGNATION

Associate Justice F. M. Hatch has resigned his position on the Territorial Supreme Bench, to take effect on February 1st.

"It is true," Judge Hatch sent word last night. "I have made up my mind to leave the bench, because I have found that the strict attention necessitated by the proper performance of the duties of the position was wearing upon my health. My resignation was sent to the President, to take effect the latter part of this month."

It is understood that the resignation of Judge Hatch has been in the hands of the President for some little time past, and the appointment of his successor has already been considered. It seems, from all that could be learned concerning the matter last night, that there are now but two gentlemen in the line of the lightning, although of course there are more than two who may get in line.

The two who have been most seriously considered for the appointment are former Judge Henry E. Cooper and attorney Arthur Wilder. Which of the two leads in the running it is, as yet, impossible to say. Mr. Cooper is a gentleman who has done distinguished public service in various capacities, and Mr. Wilder is a lawyer of marked ability.

As for Judge Hatch, it is understood to be his purpose to resume his law practice, which was very lucrative when he gave it up to put on the ermine. In fact, in a financial sense, the Judge scored a distinct loss when he accepted an appointment to the bench. He had been one of the leaders at the Honolulu bar, and will again take commanding position when he resumes his practice.

FAKE POLICEMAN DOING UP JAPANESE

Under the heading "Too Many Hatters" the Hawaii Shippo has the following editorial:

"While it is possible that the coming of Detective Hatter to Honolulu may have worked for the good of the people generally by reforming the police force, many Japanese people are complaining that a number of other Hatters have followed in his trail and have been conducting investigations on their own account in the Japanese section of the city in a manner that is almost unbearable. There are dozens of complaints which have reached us of white men who have been prowling about at different times of the day looking into the yards of Japanese people and some of them have even had the temerity to enter houses. When

asked their business these men have claimed to be detectives and to be working under the authority of High Sheriff Henry. No Japanese will object of any sort by duly appointed officers, but they do object to men with no authority prowling about their houses and invading the sanctity of their homes. Some of these so called detectives have been asked to show their badges, with the result that they had none, but other Japanese, who have not happened to know that any qualified officer must carry some badge of authority, have quietly submitted to the invasion of their rights. The Hawaii Shippo knows very well that High Sheriff Henry would not for a moment countenance any such proceedings by unauthorized men and therefore draws his attention to the matter. By impersonating officers these persons become liable to criminal proceedings and it would be much appreciated by the Japanese people if some of the impostors were caught and punished."

The next mail goes to the coast on the Alameda Wednesday.

MAUI NEEDS CATALOGUED

WAILUKU, Jan. 28.—A sub-committee of the Republican Executive Committee met with Senators and Representatives on Tuesday and the conference adopted a list of appropriations for the different districts to be asked from the Legislature. The conferees were in favor of an amendment to the registration law, whereby registration agents would be appointed in the several districts and the district magistrate made a member of each district board of registration.

Lieutenant Sam F. Leslie of the Honolulu mounted police has arrived to take the place of H. R. Hitchcock as deputy sheriff of Molokai. The appointment is temporary, although the position has been offered to Lieutenant Leslie permanently. As it would be an exchange of \$100 a month for \$60 he is not likely to accept the place beyond the time when some one else can be obtained to take it.

Dr. Weddick and George Hawley are promoting the institution of a lodge of Red Men at Wailuku.

Four tunnels are being run to tap underground water on Wailuku plantation, one at Waiehu, two in Iao valley and one at Waikapu.

The charter of Maui Lodge, F. & A. M., is expected to arrive at an early date. The furniture for the lodge arrived by the Nebraskan.

A policeman hidden under the bridge between Wailuku and Waikapu made several arrests for fast driving.

The Wailuku Sugar Company received a full cargo of lumber on the Mary Winkelman recently in port, and it will all be needed in connection with the new developments now being made on the plantation.

Puunene mill has turned out about 10,000 tons of sugar up to date.

JUDGE LITTLE'S LAW VOIDS A CONVICTION

While Judge Little is exploiting the only genuine article of American patriotism at Panama, the odor of his judicial career at Hilo still abides in the Territory of Hawaii—indeed is perpetuated for all time in the declared law of this country.

The Supreme Court has just granted a new trial to Wong Tim, on his appeal from conviction for gross cheat, because Judge Little, in charging the jury, made a remark that was inapplicable to the case, improper, ungracious and liable to mislead the jury. He said he would give a particular instruction asked for by the defendant, "but not as the law of this country."

As the Supreme Court holds, in an opinion written by Justice Hartwell, it might have been inferred by the jury, from the "ungracious" remark, that the instruction in question was contrary to the law, therefore that a verdict of guilty would be the right one to render.

W. S. Fleming appeared for the Territory, and Thayer & Hemenway for the defendant.

ASSESSMENT OF WICHMAN CHANGED

H. F. Wichman & Co., Ltd., returned its property for taxation at \$82,552.22. The assessor assessed it at \$125,000, which a majority of the tax appeal court confirmed. A minority thought \$97,297.45 right. The Supreme Court, on the taxpayer's appeal, takes the inventoried value of \$104,539.19 to be an appropriate assessment and so orders.

It was in evidence that the capital stock of the company is \$125,000, and that its net profits in 1903 were \$22,762.27, a little over 18 per cent. The assets of the corporation were testified to be worth \$82,552.22. In arriving at its decision the court finds that the case is within the provisions of section 820, Civil Laws, since there are "several classes or kinds of personal property" which "are combined and made the basis of an enterprise for profit," requiring the property to "be assessed as a whole on its fair and reasonable aggregate value." The statute requires that "in estimating the aggregate value there shall be taken into consideration the net profits made by the same, also the gross receipts and actual running expenses."

Smith & Lewis for appellant; Robertson & Wilder for assessor.

The Frashers Divorced

Nina L. D. Frasher was yesterday granted a divorce against Charles E. Frasher by Judge De Bolt on the ground of non-support. Custody of the children is awarded to the mother. A daughter became of age, 18, the previous day. There is a son aged 15 years, for whose support the libellee is ordered to pay \$25 a month. He must also pay costs of court and an attorney's fee of \$50. The couple were married on October 17, 1885, at Woodland, California. W. R. Castle appeared for libellant. The libellee was called three times in court but did not appear.

ABSOLUTELY HARMLESS.

Any mother can give Chamberlain's Cough Remedy to her little ones with a feeling of security. The absence of all narcotics makes this remedy the safest and best that can be procured. For sale by all dealers and druggists. Benson, Smith & Co., Ltd., agents for Hawaii.

WANTS PAY FOR WATER

The Attorney General has given an opinion upon a case submitted to him to Superintendent of Water Works Howland, to the effect that the Oahu Railway & Land Co. is liable for water rates, the same as any other corporation or citizen. The matter will therefore go to the Supreme Court for decision upon an agreed statement of facts, the attorneys for the railroad company holding that it is not liable.

The claim of the railway people to exemption is based upon a law passed in 1875, and now known as Section 531 of the laws of 1897. Under the provisions of this act, the Minister of the Interior, with the consent of the President as the law was originally passed, had power to grant rights of way and land for stations to corporations organized to construct railway lines, and also the free use of water for the building of their roads.

When the Oahu Railway & Land Company was chartered, it claimed that it had added rights under this old law, and under section 531 proceeded to use water freely for the building of the road. Superintendent Howland discovered that the railway people had been using water ever since without paying for it, and made a demand for payment at the usual rate. The demand was refused, the attorneys for the railway company claiming exemption from payment under the law and under its charter. Howland then passed the matter up to the Attorney General for his opinion, which was adverse to the railway company.

It is upon this showing that the agreed statement of facts has been made out, and the case will be carried at once to the Supreme Court for decision. The case is regarded as very important by the government people, as the sum involved is considerable.

BLANKETED FIGURE NOT AN INDIAN

What was at first mistaken for a blanket-robed Indian, slowly and painfully walking along King street near Fort late yesterday afternoon, turned out to be a very sick Korean. The man sat down on a curb and a kindly disposed police officer at once called for the patrol wagon and had him sent to the Japanese hospital.

MR. HAYDEN'S VIEWS

GIVES HIS OPINION OF THE
BEST TREATMENT FOR
PARALYSIS.

Declares That Dr. Williams' Pink Pills Restored the Use of His Limbs When All Other Remedies Failed.

The premonitory symptoms of paralysis are: trembling of the hands; sudden loss of power in arms or legs, frequently affecting one whole side of the body; staggering, partial or entire inability to use the fingers; distortion of the features, sometimes an uncontrollable quivering of the chin; severe pains; difficulty in speech. Frequently the first warning is a vague feeling of headache, vertigo and muscular weakness.

In a recent interview Mr. W. J. L. Hayden said: "I truly think that Dr. Williams' Pink Pills are a great medicine for they cured me when physicians and other remedies had failed to give me the slightest relief. Too close attention to business brought on an attack of nervousness which finally developed into paralysis. There were times when it was impossible for me to move my hands or to get up from a chair. At other times I had partial control of my limbs, but I was afraid of my limbs, but I was afraid to go far from the house for fear I might suddenly become helpless and have to be carried home."

"While I was in this miserable condition, I was stricken with malarial fever and confined to bed for four months. I had the best physicians, but while they relieved my fever, their treatment did not entirely drive the malaria from my system, and they did not help my paralysis in the least."

"I was well nigh despairing when a friend persuaded me to try Dr. Williams' Pink Pills. When I had finished one box I could see results that encouraged me. My condition kept steadily improving, and when I had taken seven boxes I was cured of paralysis and the malaria was completely driven out of my system. For two years now I have enjoyed the best of health and have attended to business without any interruption."

Mr. Hayden's home is at No. 252 West 39th street, New York. Dr. Williams' Pink Pills have cured many similar cases of paralysis, also locomotor ataxia. They are sold by all druggists. A treatment so simple, inexpensive and successful should be tried by every sufferer from partial paralysis in any of its stages.

A civil service examination will be held today at stations throughout the Union for engineering positions on the Panama canal, ranging from assistant civil engineer to helper, with salaries from \$250 to \$50 a month. John W. Short of the custom house is district secretary of the Honolulu station.